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Sir:

Forwarded is a response to the Restriction Requirement mailed June 3, 2003.

Sincerely,



James H. Meadows
Attorney for Applicant

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#9
Election
PATENT
7.7.03

Docket No: 200-013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :
S. Muller et al. :
Serial No: 09/759,112 : Art Unit: 1648
Filed: January 11, 2001 : Examiner: Z. Lucas
For: NUCLEOTIDE SEQUENCES EN- :
CODING VARIABLE REGIONS OF HEAVY: :
AND LIGHT CHAINS OF MONOCLONAL :
ANTIBODY 1F7, AN ANTI-IDIOTYPIC :
ANTIBODY REACTIVE WITH ANTI-HIV :
ANTIBODIES :

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction Requirement mailed June 3, 2003, which set forth eight claim sets regarded therein as being drawn to distinct and independent inventions.

Firstly, the Restriction Requirement is somewhat confusing. For instance, claim set I groups claims 1, 2, 6-8 and 12-15 together and indicates that they are related by being drawn to polynucleotides encoding a CDR of the anti-idiotypic antibodies of the invention. However, claims 6-8 are literally drawn to polynucleotides encoding FRs (framework-determining regions) of

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the antibodies. See page 7. Similarly, claim set II indicates that claims 3-5 are drawn to polynucleotides encoding an FR when, in fact, they are drawn to polynucleotides encoding CDRs. Considering the entirety of the Action, these inconsistencies appear to be simple typographical errors.

Identified claim set III encompasses claims 1, 2, 9-11 and 12-15, which are purportedly drawn to polynucleotides encoding all of the CDRs and FRs of an anti-idiotypic antibody. Claim 11 would appear to be out of place in this context since it relates to at least one CDR or FR per claim 1. Nonetheless, it appears to be the examiner's attention to indicate that this claim set is drawn to polynucleotides encoding all of the CDRs and FRs of either of the instant VH or VL amino acid sequences.

WJ dm
11-15
1, 2

The Restriction Requirement further requires election of subgenus and species within an elected claim set. Essentially, the Action requires election of polynucleotides encoding individual CDRs (within claim set II), individual FRs (within claim set I), or all CDRs and FRs within a contiguous gene sequence, either the VH or VL chain gene (within claim set III).

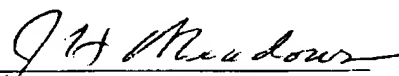
Accordingly, Applicants hereby elect for prosecution claim set III and further elect subgroup "A", drawn to polynucleotides encoding the VH amino acid sequence. *This election is made with traverse.* For instance, applicants submit that concurrent examination of subgroup "B", drawn to polynucleotides encoding

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the instant VL amino acid sequence, would not be unduly burdensome. Moreover, as indicated in the Action, although subgroups A and B can be used separately, they also can clearly be used together. Indeed, it would appear that they are sufficiently closely related within the context of the overall invention to warrant concurrent examination.

If, in the opinion of the Examiner, a telephone conversation could clarify the election of invention indicated above or otherwise expedite prosecution, the Examiner is invited to telephone the undersigned attorney at the number given below.

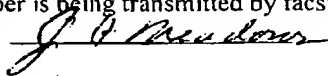
Respectfully submitted,


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Reg. No. 33,965

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Date: July 1, 2003

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